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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,713	12/27/2001	Zhang Shao Wei	P1395	8628

24394 7590 05/10/2007
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EXAMINER

MORGAN JR, JACK HOSMER

ART UNIT	PAPER NUMBER
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3782

MAIL DATE	DELIVERY MODE
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05/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/033,713	Applicant(s) WEI, ZHANG SHAO	
	Examiner Jack H. Morgan	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-37 and 40-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-37 and 40-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 32, 34, 35, 42-44, 46 and 48-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US 5,409,144). Brown discloses a flexible container for liquid cleanser (Fig 17) having two flexible members (12a, large flat sides) having a modulus of elasticity conducive to liquid containment and gaseous inflation, the chamber containing liquid cleanser, specifically, liquid soap (18a, abstract) and a flexible closure (Figs 4-16) having a hollow cylinder (Fig 17, 7a), having an open first end (6a), and an open second end (at 4a) coupled to the flexible members (2) for repetitive filling and expelling of liquid cleanser (18) in response to squeezing force applied to the members and a stopper (Fig 16, 71) to seal the hollow cylinder, the container further comprising a hanger (Fig 17, 80). Based on applicants remarks of December 5, 2006, it is well settled that soap is an emulsifier (page 10), therefore, Brown discloses a liquid emulsifier. Brown further discloses the flexible members forming a chamber having a recognizable shape, specifically a geometric shape, rectangular. The closure of Brown is a retractable valve cylinder (7a, see Fig 4-16) having a second end (6a) of the flexible closure that is sealed and extends into the

chamber, having a transfigurable slit (Fig 4, 55 and 56) disposed near the end for fluid exchange in response to a squeezing force applied.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,409,144) in view of Besse et al. (US 5,810,201). Brown discloses all the limitations of the claims, including a hanger attached to the flexible members, but does not disclose the flexible members formed of vinyl material. Besse et al. disclose a similar container which holds liquid soap (Fig 2, 21) which is created from polyvinyl chloride (Col 6, line 3), which is a well known flexible plastic. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to create the container of Brown out of polyvinyl chloride as taught by Besse et al. as it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

3. Claims 36, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,409,144) in view of Haugk et al. (US 5,937,554). Brown

discloses all the limitations of the claims except for an insert suspended in the liquid cleanser, of a predetermined size that prevents expulsion of the insert from the container via the flexible closure. Haugk et al. disclose a container with a film insert in the container, and unattached to any interior surface, in a similar container as those known in the art to be used for liquid soaps and other cosmetics in order to add a three dimensional decorative design to the container. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to create the container of Brown with the insert of Haugk et al. in order to add a three dimensional decorative design to the interior of Brown's container.

4. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,409,144) in view of Flackett et al. (US 6,343,712). Brown discloses all the limitations of the claim except for the recognizable shape being an animal shape. Flackett et al. disclose a liquid dispenser for use with liquid soap, having a similar closure design (Fig 6, 32) to Brown which is formed in the shape of an animal (specifically, a lizard) as a decorative feature. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to create the container of Brown in the animal shape taught by Flackett et al. in order to improve the aesthetic qualities of the liquid soap dispenser.

5. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,409,144) in view of Henning et al. (US 3,623,638). Brown discloses all the

limitations of the claim except for the recognizable shape being a flower design. Henning et al. disclose a liquid dispenser for use with liquid soap (Fig 1) that is formed in the shape of a flower (12) (specifically, a sunflower) as a decorative feature. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to create the container of Brown in the flower shape taught by Henning et al. in order to improve the aesthetic qualities of the liquid soap dispenser.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grunberg (US D75,557) and Lin (US D436,845).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack H. Morgan whose telephone number is 571-272-3385. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3782

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jack H Morgan
Examiner
Art Unit 3782


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER